

REMARKS

This Response is to the non-final Office Action dated May 15, 2008. Claims 1 to 107 are pending in this application. Claims 1 to 13 and 39 to 107 were previously withdrawn due to a restriction/election requirement. Claims 14 to 38 stand rejected.

In the Office Action, Claims 14 to 20, 33 to 35 and 38 are now rejected under 35 U.S.C. 103(a) as being obvious in view of U.S. 2002/0104800 to Collins et al. ("*Collins*"). Claims 21 to 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Collins* in view of U.S. Patent No. 5,932,103 to Kenley et al ("*Kenley*"). Claims 36 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Collins* in view of WO 99/29355 to Sternby ("*Sternby*"). Applicants respectfully submit that the claims as presently presented are patentable over the applied art for the reasons discussed below.

Regarding withdrawn Claims 99 to 107, Applicants wish to clarify that the balance chambers of Claims 99, 102 and 105 are relevant to the patentability of those claims in their present form. Applicants merely meant to assert in the previous Response that, upon a finding of patentability of Claim 14, an Examiner's Amendment may be made to Claims 99, 102 and 105 obviating the need to separately consider the balance chambers and the interaction of the balance chambers and the other elements specified in Claims 99, 102 and 105.

Regarding the new obviousness rejection of Claim 14 and dependents over *Collins*, Applicants first of all wish to thank the Examiner for the thorough read of *Collins*, which admittedly is quite detailed and requires careful examination. The Office Action at page 3 characterizes the claimed source of the fluid delivered by the bolus as a matter of design choice. Applicants respectfully disagree. It must be appreciated that being able to remove a separate supply container, such as reservoir 300, is quite advantageous, especially in the instant environment in which components in many cases must be chemically cleaned, steam cleaned or otherwise sterilized or pasteurized after use. The additional reservoir 300 requires additional tubing, valves and upkeep. It is accordingly not simply a matter of choice to pump from a soul source, rather, a choice that results in a substantial reduction in hardware and component control complexity due to the elimination of a separate sterile fluid source for the delivery to the extracorporeal circuit.

The Office Action at page 3 also asserts that the *Collins* apparatus is capable of delivering a bolus from container 50 by closing valves 53 and 55 and using pump 62 to move a quantity of fluid from container 50, through the substitution fluid filter, and to the patient. But to do so would necessarily require the opening of valve 51 in fluid line 56 (see Fig. 1a at line 56), which would then violate, i.e., not teach, the isolation apparatus element of Claims 14 to 38. Remember that for *Collins* at Fig. 1a to even apply to the present claims, valves 51 and 55 must be closed for isolating purpose. The Office Action is not only proposing to undue the explicit teachings of *Collins* at paragraph 45, it is conjecturing the teaching of one claim element by undoing the teaching of another claim element. That is, the Office Action is supplying the bolus from container 50 by ignoring the isolation apparatus element of Claims 14 to 38. Applicants accordingly, respectfully submit that *Collins* does not meet Claim 14 and dependants under §102 and cannot be modified, even via conjecture, to render the present claims obvious under §103.

For the foregoing reasons, Applicants respectfully submit that Claims 14 to 38 are in condition for allowance and earnestly solicit reconsideration of same. Applicants also respectfully request that an Examiner's amendment be made to independent Claims 99, 102 to 105 to bring those claims and associated dependant claims into a scope commensurate with Claim 14, and that such claims also be deemed allowable. Applicants urge Examiner to contact Applicants' undersigned representative to discuss such amendments. The Commissioner is hereby authorized to charge Deposit Account 02-1818 for any other fees which are due.

Respectfully submitted,

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